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****Plaintiffs****

Martin Rodriguez, Britni Rodriguez en et.
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The United States District Court
For The District of Oregon
Portland Division

Vs.

****Defendants:****

6:23-cv-1863 MK

- * State of Oregon
- * Salem Police Department
- * Marion County Sheriff's Department
- * Marion County Justice Court
- * Marion County
- * City of salem

****Jurisdiction:****

28 U.S.C. 1345 and 1348

~~Federal court jurisdiction exists under 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1343 (civil rights jurisdiction).~~ gr MR

****Statement of facts****

March 9th 2023- Marion County Justice Court hearing was held regarding the Rodriguez family home of eight years, Mr and Ms Rodriguez were immediately suspicious about the case as this is not the eviction process they had known to be correct. After some research the Rodriguez family realized that MCJC was not a court of record and that they did not have to submit to the jurisdiction of that court. The Rodriguez family emailed the court the same day rescinding subject matter jurisdiction, the family was emailed back by the judge saying he was denying their "motion".

April 18 2023 at approximately noon, a Marion County Sheriff deputy arrived at the Rodriguez family home, Mr Rodriguez was outside the home exercising when the Deputy approached Mr Rodriguez and handed him an 'EvictionTrespass notice', when leaving the Deputy stated that if the Rodriguez family had not vacated by the date on the form that the deputy would "be back with a lot more deputy's".

April 27 2023 Mr and Ms Rodriguez spoke on the phone with a Marion County Sheriff's deputy, the deputy stated he believed that they (Marion County Sheriff's department) were "missing pieces" and it would be a good idea to have a meeting with his commander and his supervisors so that Mr and Ms Rodriguez could directly relay their side of the information to assure that the deputy wasn't relaying the information incorrectly.

May 2nd 2023 just after noon, Mr and Ms Rodriguez took place in a meeting with the Deputy, his commander and supervisors via telephone (recorded). The meeting ended in the Marion County Sheriff's department only advising the family to vacate their residence or appeal the case via the Marion County Circuit court, which Ms Rodriguez explained many times that they could not appeal a case that was void from the beginning due to lack of subject matter jurisdiction.

At the end of April 2023 the Marion County Sheriffs Department asked the Marion County Justice court for an extension of time to enforce the writ of execution, Marion County's reason for extension was a "direct threat to human life", this obviously confused Mr and Ms Rodriguez because they did not threaten anyone. The extension was approved for 30 days and the last day of the extension came and passed, and Mr and Ms Rodriguez did not hear anything more about the situation and in fact it was not until mid July when they received a notice out of the blue which did not make sense to Mr and Ms Rodriguez and they simply did not pay much attention to it because it was nearly two months passed the end of the Marion County Sheriffs department 30 day extension.

August 2nd 2023 at approximately 9:30 am the Marion County Sheriff's Department utilized their swat team to unlawfully enter the Rodriguez family home, they dismantled the family's front door security camera and breached the front door and invaded via an armed swat team equipped with shields and weapons while the family slept peacefully in their beds, imagine the fear the family felt when they were startled from their sleep to such mayhem, the family had not one clue this was going to take place because there was no valid order that was even applicable and thus was, illegal and unlawful. The Rodriguez family was forced to take only a few items and leave their home. The Rodriguez family stayed the night in a hotel, which was not well suited for three young

autistic children and after watching their children suffer due to the extreme change in circumstances (which children with autism struggle with), Mr and Ms Rodriguez new they had to stand up for their rights and the rights.

August 3rd 2023 around 3:30 pm Mr and Ms Rodriguez made a telephone call to Christopher Tackett, the attorney of kmb 525 LLC, with a courtesy notice that they would be hiring a locksmith to open their home for them. Mr and Ms Rodriguez provided their identification to the locksmith who let them back into their home with no issues.

August 4th 2023- Salem Police Department arrived threatening to arrest Mr and Ms Rodriguez if they did not vacate the residence saying that they were "trespassing". Salem PD contacted Marion county sheriff's who stated they would not be coming out to "handle it", Salem PD said they were not making any arrests that day and that they believed that Affinity Property Management would be filing a new eviction case.

August 28th 2023- 4:44pm Salem PD surrounded the Rodriguez family car with Mr Rodriguez in the driver seat, Salem PD said Mr Rodriguez was under arrest and to get out of the car, while simultaneously laying spike strips in front of the car and other Salem PD officers standing around the car one officer with a weapon that appeared to be a bean bag type shot gun. Mr Rodriguez kept his hands in sight at all times and stated he did not have any weapons, Mr Rodriguez stated he would not exit the vehicle and that he was never afforded his due process and asked what crime he was suspected of committing. After several minutes of trying to coerce Mr Rodriguez out of his car (the only place Mr Rodriguez felt he was safe at the time) Salem PD slid a citation for a 'criminal trespass on a highway' through the window and then Salem PD left the scene.

September 5th 2023 11:30am- Salem police Department are shown on video speeding up to Mr Rodriguez in an unmarked car while Mr. Rodriguez was exercising outside his family home, officers got out and grabbed Mr Rodriguez who became tense due to the shock he was in, Mr Rodriguez was not aware of any crime he had committed and no due process of law was ever afforded to him as he had not had the chance to respond to the citation the Salem PD had given him a few days prior, officers state in their report "Mr. Rodriguez kept saying he didn't get his due process", the three officers proceeded to disregard Mr Rodriguez's plea's and instead repeatedly tazed him, before ultimately putting Mr Rodriguez in the back of the car and taking him to jail where he remained for nearly 3 days.

While Mr Rodriguez was handcuffed in the back of the car an officer put the phone up to Mr Rodriguez's ear, Lt Gill was on the other end and said "hi, this is Lt. Gill and I been

working closely with the Marion County Sheriff's office and the district attorney's office, and we are trying to come to a more peaceful resolution to get Britni out of the house, because I know you guys have kids inside."

Mr Rodriguez responded with "no, I will not help you get her out of our home".

Lt. Gill responded with "ok, we will go the other route then." And hung up.

Ms Rodriguez was standing at the top of the stairs at the entrance to their home where she yelled and screamed for Salem PD to leave Mr Rodriguez alone, after Mr Rodriguez was in the back of the car the Salem PD ran towards the home and up the stairs, Ms Rodriguez ran inside the home and locked the door out of the concern for her family's and her own immediate safety, not knowing what else these officers were willing to do without lawful authority was one of the scariest feelings Ms Rodriguez has ever felt, in a place she is supposed to call "home". Officers yelled through the door telling Britni to exit the home, she said she would not exit the home and to leave.

Salem PD surrounded the family's home while also placing a door ram next to the bottom stairway (this is on video as well), inside was Ms Rodriguez, her elderly mother and three young children who were also in shock, crying and scared because of the fear they saw their mother in and the incident that just happened to their father and wondering where he had gone and if he was ok. For the next hour Salem PD chanted things through their intercom like "Britni, exit the home you are under arrest." Ms Rodriguez knew she had done nothing wrong and had never been made aware of any crime she was suspected of committing. Ms Rodriguez opened her front living room window so she could plea to the officers to stop what they were doing because they did not have the lawful authority to do such things.

Ms Rodriguez asked to speak with a supervisor and was told she could not, so Ms Rodriguez called the non emergency number and asked to speak with a supervisor explaining to the operator the situation that was currently taking place, Ms Rodriguez was forwarded to the officers that were currently outside her home and was denied the ability to speak to anyone else. After nearly an hour of surrounding the home the officer explained they were leaving but "they would be back". Officers did not leave and in fact were seen hiding around the building and also parked across the street, neighbors had to help the family to retrieve their groceries that were scheduled to be picked up because Ms Rodriguez was in fear to leave her own home. Concerned neighbors reported to Ms. Rodriguez that Officers were still around the home for nearly two hours. Later this day the family found tow notices on both of their cars stating they had four days to remove the vehicles or they would be towed.

September 6th 2023- (Mr Rodriguez still in jail) at approximately 12pm the electricity was cut off to the Rodriguez family home, Ms Rodriguez witnessed a maintenance tech walking away from the electric meters and tossing a lock into the back of his truck, approximately three weeks prior the maintenance tech had cut the electricity off to the home and placed a lock on the meter, Mr Rodriguez cut the lock and turned the power to the home back on and replaced the lock with a similar looking lock.

On September 6th 2023 after the power was turned off Ms Rodriguez wrote a cease and desist notice which she sent to the Marion County Sheriff, Salem Chief of Police, MC district attorney as well as others. At 1:30 pm Salem PD called Ms Rodriguez and gave her an "ultimatum" which was to exit the home and Salem PD would pay for 2 nights in a hotel or they would have to enter the home with a warrant and Ms Rodriguez stated she would not be accepting the officers "ultimatum" and the officer said "ok then" and hung up. Ms Rodriguez knew the Salem PD was probably at the home and had her elderly mother prepare the kids because she didn't know what they planned to do.

Salem PD was in fact outside the home with a large group of officers with large guns ready to breach the front door of the Rodriguez family's home, Ms Rodriguez opened the front door and asked the Salem PD what was going on and why they had all these weapons and why they were harassing her family, she explained what the Salem PD was doing was out of line and was violating her and her family's constitutional, human and civil rights and also breaking state and local laws as well. Salem PD said they had a warrant for Ms Rodriguez's arrest, she asked for a copy of the warrant and when handed it the officers immediately started talking and Ms Rodriguez had not really looked over the form but she knew something seemed off about the document, Salem PD had initially said that Ms Rodriguez would not be going to jail but then another officer came into the home and stated that Ms Rodriguez was "definitely going to jail" but they may be able to release her instead of keeping her. For the sake of the children's emotional trauma Ms Rodriguez cooperated and left the home and was placed in cuffs.

Salem PD assisted the elderly mother to carry out a few items then proceeded to drive the family's second car (with permission, to prevent it being towed) to the Motel 6 which was filled with mold and very dirty, this is the motel that Salem PD paid for the family to stay for 2 nights. Ms Rodriguez was in the back of the patrol car when she overheard the officer saying that they had to "get probable cause put in, just to get her in the door", which seemed odd to Ms Rodriguez. Ms Rodriguez was extremely worried that her mother would not be able to care for her three young children who have various degrees of special needs as well as her mother's advanced age and her own disabilities. Ms Rodriguez was released around 10 pm on September 6th 2023, Mr Rodriguez was released September 7th 2023.

After some inspection of documents and other information Mr and Ms Rodriguez we shocked to find that Salem PD had given Ms Rodriguez a search warrant when they arrested her, this search warrant is signed by judge Tracy Prall who coincidently is named in an article written by judge Justice Kidd who ordered the illegal/unlawful eviction of the family from their home, the article states that Justin Kidd works closely with Tracy Prall to "move certain eviction cases and Oregon state Police traffic cases from circuit court to justice court".

The Rodriguez family has been struggling with ongoing homelessness since these illegal/unlawful egregious acts took place on September 6th 2023, the family has depleted all savings and is facing a very detrimental situation. The family's entire household contents were removed from their home without their consent and put into a storage facility that costs \$550 monthly, this is no longer manageable due to the increase in all expenses, big costs being; hotel stays, dining out (no access to a kitchen), replacing items they could not access in the large storage, like clothes for the family and toys for their children amongst other things. The family is now locked out of their storage until it's paid or they risk losing their items including items with sentimental value.

****Causes of Action:****

Title 42 Section 1983** Deprivation of constitutional rights under color of law.

****Violation of the Fourth Amendment:**** Unreasonable search and seizure through forced eviction and warrantless arrest and the taking of property.

****Violation of the Fourteenth Amendment:**** Including lack of jurisdiction, illegal eviction and the denial of a fair hearing and due process, Deprivation of life and freedom and the equal protection of the law.

****False Arrest and Imprisonment:**** Unlawful arrest and detention and the use of excessive force as well as the use of a taser.

****Negligence:**** Failure to follow proper procedures and safeguard the family's rights.

****Trespass to Chattels.**** Unlawfully taking and removing the Rodriguez entire home contents and placing it in an unaffordable storage unit.

****Trespass**** Unlawful entry and occupation of the Rodriguez family home.

****Assault**** The family had to live in constant fear after the first time their home was raided by a swat team, the threats of using "physical force" to "remove anyone in the home", which is evidenced by the family's receipt of notices claiming force would be used against them as well as the language used when communicating with the defendants eg:., "we can do this the easy way or the hard way".

****Eighth Amendment**cruel and unusual punishment*** The family was treated like criminals in their own home, they were wrongfully arrested and jailed just for living peacefully within their home.

****18 U.S.C 1203** states that a hostage taker is anyone who "seizes or detains and threatens to kill, to injure, or to continue to detain another person to compel a third person or a governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts or conspires to do so.."

Mr Rodriguez was arrested and while held in the back of the police car was the officer held the phone to Mr Rodriguez's ear and Lt gill said "hi, this is Lt. Gill and I been working closely with the Marion County Sheriff's office and the district attorney's office, and we are trying to come to a more peaceful resolution to get Britni out of the house, because I know you guys have kids inside."

Mr Rodriguez responded with "no, I will not help you get her out of our home".

Lt. Gill responded with "ok, we will go the other route then." And hung up.

**** *The lawsuit will be supported by evidence including:** ***

- All documents received and the Rodriguez family's responses.
- Audio and video recordings of multiple interactions with law enforcement.
- security footage from multiple incidents.
- Witness statements and affidavits.
- Expert testimony on emotional distress and legal issues.
- Documentation of financial losses and property damage.

. **Jury Trial: demanded**

Plaintiffs demand a jury trial on all claims.

**** *Immediate Injunctive relief sought:***

- The family is requesting immediate stabilization to assure their health and safety while awaiting the court process.
- This includes immediate housing to stabilize and prevent unsheltered homelessness.
- Payments to be made to their storage facility to prevent the loss of the family's belongings.
- The family requests the immediate freeze on all alleged criminal charges that the family is currently facing, including Mr Rodriguez and Ms Rodriguez's criminal charges as well as her elderly mothers criminal citation that she received on September 6th 2023 without being taken to jail.
- The family is requesting immediate cash assistance while going through the court process, to be able to support their most basic needs, the family has spent nearly \$30,000 just on hotels and dining out the last few months while preparing their case, money would not have been an issue had it not been for the defendants actions.

****Relief Requested:****

- Compensatory damages for economic losses, including lost wages, medical expenses, and property damage.
- Punitive damages to deter future misconduct.
- Costs for items damaged and or missing after the items were taken out of their home

cost for replacement dentures that were in the freezer that were thrown out.

- Three tvs scratched and it's unknown if they even work
- Deep freezer, which was put into storage with food in it and subsequently rotted and ruined the freezer.
- 2500 for perishable food that was either thrown away or left to rot.
- There are definitely other damaged items, but the full extent is unknown until the family is able to unpack and go through everything.
- All costs incurred from September 6th 2023 when the family was ousted and had to incur new expenses that would not have happened if it was not for the defendants actions, to date approximately \$30,000 and continuing to accrue daily.
- Pain and suffering
- Any damages that the court deems appropriate in an amount not less than \$10,000,000.

****relief summary****

The Rodriguez family seeks justice for the egregious violations of their constitutional rights. They demand compensation for their losses, punitive damages to deter similar future actions and immediate injunctive relief to protect the family's immediate safety and well-being. This lawsuit seeks to hold the defendants accountable for their actions and to prevent similar injustices from happening to others.

I, Martin Rodriguez, and I, Britni Rodriguez, hereby declare that the above statements are true to the best of our knowledge. Under penalty of perjury, we affirm the accuracy of the information provided.

Sincerely,

Martin Rodriguez

Britni Rodriguez

The block contains two handwritten signatures in black ink. The top signature is for Martin Rodriguez, written in a cursive style. The bottom signature is for Britni Rodriguez, also in cursive. The signatures are positioned to the right of the printed names.